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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,390	07/31/2000	YOSHIHIDE WAKAYAMA	MOR-221-A	2960

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EXAMINER

HOPKINS, ROBERT A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,390

Applicant(s)

WAKAYAMA ET AL.

Examiner

Robert A Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,14-16,21,22,24,25 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,21,22,24,25 and 27-38 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Objections

Claims 11,14-16,33 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 11 recites "a local clean room...", however the structural limitations of claim 11 are indirectly dependant on a method claim 21.

Claim 14 depends on a cancelled claim 10. Correction is requested.

Claim 15 depends on a cancelled claim 12. Correction is requested.

Claim 16 depends on a cancelled claim 13. Correction is requested.

Claim 33 depends on a cancelled claim 26. Correction is requested.

Claim Rejections - 35 USC § 112

Claims 11,21,22,24,25,27,28,29,30,31-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites a series of method of manufacturing steps, and limitations reciting "wherein the use of said air filter is the manufacture environment of a semiconductor device". The claim is indefinite as the scope of the claim(method of making or method of using) is uncertain. Claims 11,22,24,27,29,31,35,37 are dependant on claim 21 and hence are also rejected.

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Claim 24 is confusing because examiner is unsure as to what limitations claim 24 is dependant on. Examiner suggests substituting the following limitations for claim 24 to simplify and clarify the claim language, --A filter medium manufactured by the method of claim 21--.

Claim 25 recites a product(filter medium), a method of using step, and a process step(wherein after a sample cut out from said filter medium is dipped for one week in a specified amount of ultrapure water, the kinds and amounts of ion that is eluted in the ultrapure water from said sample are analyzed by the ion chromatography". The claim is indefinite as the scope of the claim(product, method of using) is uncertain. Claims 28,30,32,34,36, and 38 depend on claim 25 and hence are also rejected.

Claim 25 lines 7-8 recites "the ion chromatography". There is a lack of antecedent basis for "the ion chromatography" in previous claim limitations. Correction is requested.

Claim 25 line 9 recites "the canalization". There is a lack of antecedent basis for "the canalization" in previous claim limitations. Correction is requested.

Claims 31-34 recite " a local clean equipment". The limitations are grammatically confusing as examiner is unsure as to what is meant by a "local clean equipment". Correction is requested.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11,21,22,24,25,27,28,29,30,31,32,34,35,36,37, and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 21 is directed to neither a method of making nor a method of using, but rather embraces or overlaps two different statutory classes of invention as set forth is 35 U.S.C. 101 which is drafted to set forth the statutory classes in the alternative only. See MPEP 2173.05(q). Claims 11,22,24,27,29,31,35,37 are dependant on claim 21 and hence are also rejected.

Claim 25 is directed to neither a product or method of making, but rather embraces or overlaps two different statutory classes of invention as set forth is 35 U.S.C. 101 which is drafted to set forth the statutory classes in the alternative only. See MPEP 2173.05(q). Claims 28,30,32,34,36, and 38 depend on claim 25 and hence are also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 25 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Warburton, Jr(4291087).

Warburton, Jr teaches a filter medium for an air filter having fibers bound

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together to form a non-woven fabric. See MPEP 2113.

Claims 25,28,30,32,36, and 38 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tanahashi et al(514196).

Tanahashi et al teaches a filter medium for an air filter having fibers bound together to form a non-woven fabric. See MPEP 2113. Tanahashi et al further teaches an air filter comprising a filter medium having fibers bound together to form a non-woven fabric and a frame and a sealing material incapable of generating gaseous organic substances(column 5 lines 18-35). Tanahashi further teaches a clean room(5) having an air filter comprising a filter medium having fibers bound together to form a non-woven fabric and a frame and a sealing material incapable of generating gaseous organic substances. Tanahashi further teaches a local clean equipment(5) having an air filter comprising a filter medium having fibers bound together to form a non-woven fabric and a frame and a sealing material incapable of generating gaseous organic substances. Tanahashi further teaches a method for manufacturing semiconductors, wherein a silicon wafer for the semiconductor is processed in a local facility having an air filter comprising a filter medium having fibers bound together to form a non-woven fabric and a frame and a sealing material incapable of generating gaseous organic substances. Tanahashi further teaches a semiconductor device made by processing a silicon wafer in a local facility having an air filter comprising a filter medium having fibers bound

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together to form a non-woven fabric and a frame and a sealing material incapable of generating gaseous organic substances.

Allowable Subject Matter

Claims 21 and 34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 21 recites "wherein in said polymerization step, a hydrophilic organic peroxide of cumen hydroperoxide, 2,5-dimethylhexan-2,5-hydroperoxide, or succinic acid peroxide is used as a polymerization initiator. Warburton, Jr(4291087) discloses using t-butyl hydroperoxide as a polymerization initiator. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to substitute one of the claimed initiators for t-butyl hydroperoxide because Warburton, Jr does not suggest such a modification. Claims 11,22,24,27,29,31,35,37 are dependant on claim 21 and hence would also be allowable upon correction of the 35 USC 112, 101, and the claim objections noted in the current office action.

Claim 34 recites "a local clean equipment having installed therein a chemical filter for trapping at least one of organic substances and inorganic substances and also having installed therein an air filter for trapping suspended particulate substances in the air, said air filter being installed downstream of said chemical filter, characterized in that; an air filter according to claim 28 is installed as said air filter". Tanahashi et al(5514196)

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discloses an air filter having a frame and sealing material incapable of generating gaseous organic substances, however Tanahashi et al does not teach chemical filter for trapping at least one of organic substances and inorganic substances and also having installed therein an air filter for trapping suspended particulate substances in the air, said air filter being installed downstream of said chemical filter. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a chemical filter upstream of the air filter because Tanahashi et al does not suggest such a modification.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

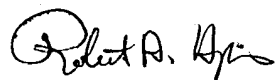
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 703-308-3913. The examiner can normally be reached on Monday-Friday 9:00am-3:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons can be reached on 703-308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9572 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert A Hopkins
Primary Examiner
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rah
September 12, 2002